

JS 44 (Rev. 06/17)

MSG**CIVIL COVER SHEET**

17-R-3957

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Hatem Bedhriar

DEFENDANTS

United States of America

17

3957

(b) County of Residence of First Listed Plaintiff **Philadelphia**

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **Philadelphia**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Steven Laynas, Esquire, Laynas & Georges, P.C.
1500 JFK Boulevard, Suite 1300, Philadelphia, PA 19102**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

- | | | | | | |
|---|---|--|---|---|---|
| <input type="checkbox"/> 110 Insurance
<input type="checkbox"/> 120 Marine
<input type="checkbox"/> 130 Miller Act
<input type="checkbox"/> 140 Negotiable Instrument
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment
<input type="checkbox"/> 151 Medicare Act
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits
<input type="checkbox"/> 160 Stockholders' Suits
<input type="checkbox"/> 190 Other Contract
<input type="checkbox"/> 195 Contract Product Liability
<input type="checkbox"/> 196 Franchise | PERSONAL INJURY
<input type="checkbox"/> 310 Airplane
<input type="checkbox"/> 315 Airplane Product Liability
<input type="checkbox"/> 320 Assault, Libel & Slander
<input type="checkbox"/> 330 Federal Employers' Liability
<input type="checkbox"/> 340 Marine
<input type="checkbox"/> 345 Marine Product Liability
<input checked="" type="checkbox"/> 350 Motor Vehicle
<input type="checkbox"/> 355 Motor Vehicle Product Liability
<input type="checkbox"/> 360 Other Personal Injury
<input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY
<input type="checkbox"/> 365 Personal Injury - Product Liability
<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability
<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
<input type="checkbox"/> 370 Other Fraud
<input type="checkbox"/> 371 Truth in Lending
<input type="checkbox"/> 380 Other Personal Property Damage
<input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881
<input type="checkbox"/> 690 Other
<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 720 Labor/Management Relations
<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 751 Family and Medical Leave Act
<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 791 Employee Retirement Income Security Act
<input type="checkbox"/> 462 Naturalization Application
<input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 828 Copyrights
<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 210 Land Condemnation
<input type="checkbox"/> 220 Foreclosure
<input type="checkbox"/> 230 Rent Lease & Ejectment
<input type="checkbox"/> 240 Torts to Land
<input type="checkbox"/> 245 Tort Product Liability
<input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights
<input type="checkbox"/> 441 Voting
<input type="checkbox"/> 442 Employment
<input type="checkbox"/> 443 Housing/Accommodations
<input type="checkbox"/> 445 Amer. w/Disabilities - Employment
<input type="checkbox"/> 446 Amer. w/Disabilities - Other
<input type="checkbox"/> 448 Education | Habeas Corpus:
<input type="checkbox"/> 463 Alien Detainee
<input type="checkbox"/> 510 Motions to Vacate Sentence
<input type="checkbox"/> 530 General
<input type="checkbox"/> 535 Death Penalty
Other:
<input type="checkbox"/> 540 Mandamus & Other
<input type="checkbox"/> 550 Civil Rights
<input type="checkbox"/> 555 Prison Condition
<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

USC Sec. 1346(b); USC Sec. 2671-2680

Brief description of cause:

Motor vehicle accident involving federal employee

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AUG 25 2017

MSG

UNITED STATES DISTRICT COURT

17

3957

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2443 S. American Street, Philadelphia, PA 19148

Address of Defendant: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106

Place of Accident, Incident or Transaction: Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Steven Laynas, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 8/22/17

Attorney-at-Law

33906

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/22/17

Attorney-at-Law

33906

Attorney I.D.#

AUG 25 2017

MSG**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

HATEM BEDHIAF

v.

UNITED STATES OF AMERICA

CIVIL ACTION

NO.

17 3957

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

Date

8/22/17

Attorney-at-law

267-282-0422

Plaintiff, Hatem Bedhief
Attorney for

SLaynas@Laynaslaw.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

AUG 25 2017

\$400

MSG

THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

HATEM BEDHIAF
2443 S. American Street
Philadelphia, PA 19148

Plaintiff

v.

NO.

UNITED STATES OF AMERICA
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106,

Defendant

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3957

CIVIL ACTION COMPLAINT

Plaintiff, Hatem Bedhiaf, by and through his attorneys, Laynas & Georges, P.C., hereby
avers the following:

I. JURISDICTION

1. Jurisdiction of this Court arises under the FTCA, ch. 753, title IV, 60 Stat. 842, 28
U.S.C. § 1346(b) and 28 U.S.C. § 2671-2680.

II. PARTIES

2. Plaintiff, Hatem Bedhiaf, is an individual and citizen of Pennsylvania who resides
at the above-captioned address.

3. United States of America, is a Defendant in this action pursuant to 28 U.S.C. §
2679.

4. Pursuant to § 2679 of the FTCA, the United States of America shall be substituted
for the federal employees through which the tort claims arise.

5. Jason Chader Salvo is an individual who, upon information and belief, is an employee of the United States Government in the Department of the Navy acting within the course and scope of his employment at the time of this accident.

6. Therefore, the Defendant, United States of America, and Jason Chader Salvo are each responsible and liable for the acts of the other.

7. It is believed and therefore averred that at all times material hereto, Jason Chader Salvo, was the employee, agent, servant or ostensible agent, employee or servant of the Defendant, United States of America.

III. VENUE

8. Since, at all times material hereto, the tortious conduct occurred within Philadelphia County, Defendant is subject to the venue of the United States District Court for the Eastern District of Pennsylvania, seated in Philadelphia, Pennsylvania.

9. Plaintiff demands a trial by jury.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Pursuant to §2675 of the FTCA, Plaintiff sent notice of his claim to the United States Department of the Navy on November 10, 2016 via certified mail.

11. On or about January 20, 2017, Plaintiff received a letter from the United States Department of the Navy acknowledging receipt of plaintiff's claim and requesting additional information.

V. OPERATIVE FACTS

12. On or about April 2, 2015, at or about 11:00 a.m., plaintiff was the operator of an automobile proceeding on Pennsylvania Avenue, at or near its intersection with 22nd Street, both public thoroughfares in the City and County of Philadelphia, Commonwealth of Pennsylvania.

13. On or about April 2, 2015, at or about 11:00 a.m., defendant, by and through its agent, servant and/or employee Jason Chader Salvo, was the operator of a motor vehicle which was proceeding on 22nd Street, at or near its intersection with Pennsylvania Avenue, both public thoroughfares in the City and County of Philadelphia, Commonwealth of Pennsylvania.

14. As the vehicles were proceeding as aforesaid, defendant, by and through its agent, servant and/or employee, Jason Chader Salvo, failed to stop for a red traffic signal for traffic proceeding on 22nd Street and negligently entered the intersection without regard to said red traffic signal and caused the vehicles to violently collide, with the result that plaintiff suffered severe and serious injuries and damages as are hereinafter set forth.

15. The negligence of Jason Chader Salvo is included, but is not limited to, the following:

- (a) In operating a motor vehicle at a high, dangerous and reckless rate of speed under the circumstances;
- (b) In failing to have his motor vehicle under proper control under the circumstances;
- (c) In that the driver was inattentive and failed to maintain a sharp lookout of the road and surrounding traffic conditions;
- (d) In failing to maintain the vehicle in a proper mechanical condition;
- (e) In failing to operate the brakes in such a manner as to cause the vehicle to stop in time to avoid the collision;
- (f) In failing to observe that care and caution required under the circumstances;

- (g) In violating the various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares under the circumstances;
- (h) In failing to obey the traffic signal controlling defendant's lane of traffic;
- (i) In failing to stop for a red traffic signal controlling the intersection; and
- (j) In failing to maintain a reasonable lookout for the presence of other motor vehicles on the roadway.

16. Solely as a result of the negligence of defendant, by and through its agent, servant and/or employee, Jason Chader Salvo, as aforesaid, plaintiff, Hatem Bedhiaf, has sustained the following injuries, all of which are or may be of a serious and permanent nature, including disc herniations at L3, L4, L5; midsubstance tear of the radial collateral ligament of MCP joint which required repair and MP pinning, a surgical procedure; cervical sprain and strain; left upper extremity radiculopathy; lumbar sprain and strain; bilateral lower extremity radiculopathies; and other severe and serious injuries, the full extent of which are not known at present, including possible aggravation and activation of pre-existing injuries.

17. As a result of the injuries as aforesaid, plaintiff, Hatem Bedhiaf, has sustained the following damages:

- (a) Said plaintiff has been and will be required to in the future expend large sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;
- (b) Said plaintiff has been injured;
- (c) Said plaintiff has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment and mental anguish;

- (d) Said plaintiff has been deprived of earnings;
- (e) Said plaintiff has been disfigured;
- (f) Said plaintiff's general health, strength and vitality have been impaired;
- (g) Said plaintiff has suffered a loss of the enjoyment of life.

18. As a further result of the accident, Plaintiff, Hatem Bedhiaf, has and probably will in the future, be obliged to receive and undergo medical attention and care and will incur various expenditures for the injuries she has suffered.

19. As a further result of the negligence of defendant, by and through its agent, servant and/or employee, Jason Chader Salvo, Plaintiff, Hatem Bedhiaf, has been unable to attend to his daily chores, duties and occupations, and he will be unable to do so for an indefinite time in the future, all to his great financial detriment and loss.

20. As a further result of the negligence of defendant, by and through its agent, servant and/or employee, Jason Chader Salvo, Plaintiff, Hatem Bedhiaf, has suffered severe pain, mental anguish, humiliation and embarrassment, and he will continue to suffer same for an indefinite period of time in the future.

21. As a further result of the negligence of defendant, by and through its agent, servant and/or employee, Jason Chader Salvo, Plaintiff, Hatem Bedhiaf, has and/or will incur various unpaid reasonable, necessary medical expenses and custodial care expenses that are causally related to the injuries sustained in the above referenced accident all to his detriment and loss.

WHEREFORE, Plaintiff, Hatem Bedhiah, demands judgment in his favor and against Defendant, United States of America, for compensatory and delay damages.

Respectfully submitted,

LAYNAS & GEORGES, P.C.

By: 

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